

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

LOCAL, 8027 AFT-NEW HAMPSHIRE, )  
AFL-CIO, et al., )  
Plaintiffs, )  
v. ) Case No. 1:21-cv-1077-PB  
FRANK EDELBLUT, in his official )  
capacity only as the Commissioner )  
of the New Hampshire Department )  
of Education, et al., )  
Defendants. )

## **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

The defendants, through counsel, move for summary judgment under Federal Rule of Civil Procedure 56 and Local Rule 56.1. The plaintiffs' remaining claims fail as a matter of law for the reasons stated in the memorandum of law accompanying this motion. The Court should therefore enter summary judgment in the defendants' favor.

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Grant the defendants' motion for summary judgment; and
- B. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

FRANK EDELBLUT, in his official capacity  
as Commissioner of the Department of  
Education,

JOHN M. FORMELLA, in his  
official capacity only as Attorney General  
of the State of New Hampshire,

AHNI MALACHI, in her official capacity as Executive Director of the Commission for Human Rights,

CHRISTIAN KIM, in his official capacity as Chair of the Commission for Human Rights,

*and*

KENNETH MERRIFIELD, in his official capacity as Commissioner of the Department of Labor

By their attorney,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Date: August 14, 2023

/s/ Samuel Garland  
Samuel R. V. Garland, Bar #266273  
Senior Assistant Attorney General  
Nathan Kenison-Marvin, Bar # 270162  
Assistant Attorney General  
Civil Bureau  
New Hampshire Dept. of Justice  
33 Capitol Street  
Concord, NH 03301  
(603) 271-3650  
[Samuel.RV.Garland@doj.nh.gov](mailto:Samuel.RV.Garland@doj.nh.gov)  
[Nathan.W.Kenison-Marvin@doj.nh.gov](mailto:Nathan.W.Kenison-Marvin@doj.nh.gov)

#### **Certificate of Service**

I hereby certify that a copy of the foregoing was served on all counsel of record using the Court's electronic-filing service.

/s/ Nathan Kenison-Marvin  
Nathan Kenison-Marvin